

REMARKS

Claims 1-15 are all the claims pending in the application. Reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

Claim Rejections - 35 U.S.C. § 102

- The Examiner rejected claims 1, 4, 6, 9, and 10-14 under §102(b) as being anticipated by US Patent 5,701,677 to Yamaguchi et al. (hereinafter Yamaguchi). Applicants respectfully traverse this rejection because Yamaguchi fails to disclose each of the elements as set forth in the claims, and the Examiner's reliance on Yamaguchi is misplaced.

First, Yamaguchi fails to disclose all of the elements as set forth and arranged in the claims. In this regard, Applicants comments as set forth in the Amendment filed on January 18, 2006 are still pertinent and, therefore, are incorporated herein by reference.

By way of summary, Yamaguchi fails to disclose guide elements that are configured to make the stiffness of the slider greater in one area than in another area. Instead, Yamaguchi increases the stiffness of the slider via an attitude stabilizing device that is not part of the guide elements. Additionally, the attitude stabilizing device increases the stiffness of the slider to the same degree over the entire slider by virtue of its symmetrical nature with respect to the slider; it does not increase the stiffness of the slider in one area to a level that is higher than the stiffness in another area.

Second, the Examiner's reliance on Yamaguchi is misplaced. In the "Response to Arguments" section of the Office Action, the Examiner makes many incorrect assertions and false conclusions as follows:

(a) The Examiner incorrectly asserts that "the features upon which applicant relies (i.e., the stiffness in the yawing direction of the slider may be accomplished in various exemplary manners ... are not recited in the rejected claim(s)."¹

¹ Final Office Action as mailed April 6, 2006 at page 9, item 4, second paragraph.

Initially, the Examiner's statement of the argument is incorrect and/or incomplete. That is, the stiffness of the slider has two components: (i) that it is greater in one area than in another; and (ii) the difference in stiffness is produced by the configuration of the guide elements. To the extent that the Examiner disregards these two elements and focuses only on increasing the stiffness of the slider by any means, her reliance on Yamaguchi is simply wrong.

Next, these two requirements on the stiffness are, indeed, set forth in the last paragraph of claim 1 as follows:

(i) "... a stiffness of the slider ... in an area where the drive element is provided [one area] is made higher than that in an area opposite ... [i.e., another area]"; and

(ii) the above difference in stiffness is "... due to the configuration of the guide elements ..."

Further, the exemplary configurations of the guide element (as set forth in the January 18 Amendment, and as referred to by the Examiner in the April 6 Final Office Action) that may achieve the difference in stiffness are, indeed, set forth in the claims. As previously noted: the configurations (1-4) are covered by the broad language of claim 1; the configuration in (1) is specifically set forth in claim 2; the configuration in (2) is covered by claim 14; and the configuration in (3) is covered by claim 15.

(b) The Examiner asserts that "Applicant also contends that the Yamagushi fails to disclose an arrangement wherein the guide elements provide a different stiffness in the yawing direction."² This much of the Examiner's statement is correct. However, the Examiner then goes on to misapply Yamaguchi to this factually correct statement. Specifically, the Examiner then asserts that "[t]he structure recited in Applicant's claimed subject matter only requires a set of guide elements and a set of drive elements provided to a base."³ This shows that the Examiner **completely and incorrectly ignores** the last paragraph in claim 1, namely the (i) quantification

² April 6 Final Office Action at page 10, lines 3-4.

³ April 6 Final Office Action at page 10, lines 4-6.

of a different stiffness in different areas of the slider, and (ii) how that stiffness is achieved, i.e., via the configuration of the guide elements, which is a further structural definition of the guide elements and cannot be ignored.

(c) The Examiner asserts that (i) “the structure recited by the claimed subject matter fails to further indicate any particular arrangement for said guide and drive elements, i.e., including or excluding ropes as argued by Applicant in order to achieve the stiffness.” (ii) “Therefore, the structure recited by the claims is the only structure given weight in order to achieve so,” and (iii) “in addition, the claim is an open ended claim, which fails to exclude the use of additional components and elements in order to achieve the stiffness and fails to limit the structure to that of the instances given by Applicant in the remarks section.”⁴

With regard to (c)(i), the particular arrangement of the guide elements is set forth in claim 1 in a broad manner, i.e., so as to achieve the difference in stiffness in two different areas of the slider. The exact configuration of the guide elements for achieving that difference in stiffness is not then set forth until the dependent claims. However, at the very minimum, it is the guide elements themselves that must be configured to achieve the difference in stiffness according to the specific language of claim 1. In this regard, Yamaguchi fails—even at this broad level—to disclose that there is a difference in stiffness in two separate areas of the slider 7, let alone that the guide elements 2, 3, are structured to achieve that difference in stiffness. Instead, as noted above, Yamaguchi discloses that it is a separate attitude stabilizing device that increases stiffness of the slider. Further, although the claim language does not specifically exclude ropes or other stiffness increasing elements, it does mandate that—at the minimum—the difference in stiffness be provided **by the guide elements**, and Yamaguchi’s ropes 15, 16 (for example) are not part of Yamaguchi’s guide elements 2, 3.

With regard to (c)(ii), the Examiner appears disingenuous. Specifically, the Examiner pays lip service to the language of the claim by stating “the structure recited by the claims is the only structure given weight in order to achieve [the difference in stiffness of the slider]...”, but

⁴ April 6 Final Office Action at page 10, lines 6-12

then totally disregards even her own statement. As noted above, the claims provide that the guide elements are structured to provide the slider with a stiffness in one area that is higher than a stiffness in another area. Yet the Examiner then completely ignores this structure of the guide elements and instead asserts that Yamaguchi's attitude stabilizing device—an element totally different than the claimed guide elements—provides increased stiffness to the slider, and such meets the language of the claim; it absolutely does not.

With regard to (c)(iii), the Examiner misapplies the law to the facts. The Examiner asserts that because the claim is open ended, any structure increasing the stiffness of the slider is covered by the claim. This much is true only after the minimum set by the claim is first disclosed. Namely, the claim encompasses any other structure at all, **only after there is first** a guide element structured so as to provide to the slider a different stiffness in two different areas of the slider. Here, the Examiner's application of Yamaguchi fails to even meet this initial minimum. Again, Yamaguchi's guide elements 2, 3, provide no difference in stiffness to the slider 7 and, therefore, fail to meet the express limitations as set forth in claim 1 concerning the structure of the guide elements.

(d) The Examiner asserts that "Yamaguchi fulfills in its entirety the requirements of the claimed structure and therefore, [is] able to provide a different stiffness in the yawing direction."⁵ This statement is, simply, wrong. Yamaguchi discloses an attitude stabilizing device that increases the stiffness of the slider 7. However, Yamaguchi fails to set forth that there is any difference in stiffness for two separate areas of the slider. Instead, because of the symmetrical nature of the attitude stabilizing device, it is likely to provide a uniformly increased stiffness to the slider, i.e., the stiffness of the slider is increased over the entire area of the slider, there is not one area having a stiffness higher than that in another area, as specifically called for in claim 1.

(e) The Examiner lastly asserts that "Unless a positive recitation is provided in the claimed subject matter regarding the particular arrangement or structure needed to achieve the stiffness, the limitations on the claims regarding the stiffness are only considered to be a

⁵ April 6 Final Office Action at page 10, lines 12-14.

functional statement, which are not given enough patentable weight since they are not supported by a structure.” In response, Applicants again assert that the claim already sets forth a very specific structure for achieving a slider having two different stiffness in two different areas, and that structure is the configuration of the guide elements. That is, there already exists the specific structure called for by the Examiner, but she impermissibly chooses to ignore that structure.

For at least any of the above reasons, Yamaguchi fails to anticipate independent claim 1. Likewise, this reference fails to anticipate dependent claims 4, 6, 9, and 10-14.

- The Examiner rejected claims 1-11 and 15 under §102(b) as being anticipated by US Patent 6,327,929 to Yanagisawa (hereinafter Yanagisawa). Applicants respectfully traverse this rejection because Yanagisawa fails to disclose all of the elements as set forth in the claims.

Applicants arguments with respect to Yanagisawa as set forth in the January 18 Amendment are still pertinent and, therefore, are incorporated herein by reference.

In direct violation of MPEP §707.07(f), the Examiner has completely ignored Applicants arguments with respect to Yanagisawa, thereby depriving them of any meaningful chance to respond to the Examiner’s concerns. **Accordingly, Applicants respectfully request that the Examiner issue another Office Action, with a new period for response, addressing these arguments.**

For at least any of the above reasons, Yanagisawa fails to anticipate claims 1-11 and 15.

Conclusion

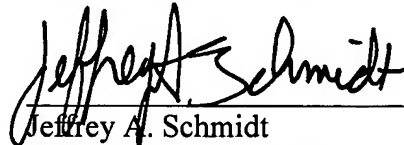
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Response Under 37 C.F.R. § 1.116
US Appln. 10/761,330

Atty. Docket: Q79512

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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